



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BYRON M. RUCH)
Serial No.: 10/723,786) Ex: ADAMS
Filed: 26 NOVEMBER 2003) Art Unit: 3652
For: VEHICLE LOADER MECHANISM)

RI & IPW

TRANSMITTAL OF APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is the Brief of Appeal and Two Copies of the same,
in compliance with the Rules, in the above captioned matter, and
a check in the amount of \$ 250.00, the requisite fee set forth in
37 CFR 1.17 (f).


Signature

17 March 2006

Date

17 March 2006


Respectfully submitted,
Michael W. Goltry
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

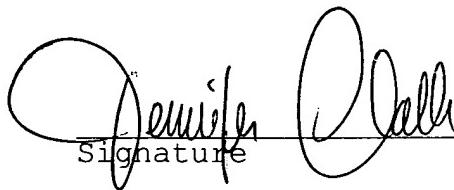
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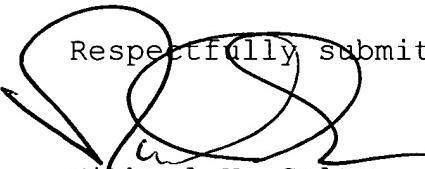
Dear Sir:

I hereby certify that the attached Transmittal Letter; Brief for Appellant and two copies of same; Check for Appropriate Fee and Postcard for Return Receipt are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on 17 March 2006.


Signature

17 March 2006

17 March 2006

Date
Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Date: 30 December 2004

Ruch, Byron M.

Art Unit: 3652

Serial No.: 10/723,786

Filed: 26 November 2003

Examiner: Adams, Gregory W.

For: VEHICLE LOADER MECHANISM

BRIEF FOR APPELLANT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
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SIR:

Please consider the contents of the following Brief for
Appellant.

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I. REAL PARTY IN INTEREST

All of the right, title and interest in and to the above-described Patent Application are owned by Appellant Byron M. Ruch, who is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS

1. Claims 1-19 were originally filed in this case. Claims 5 and 6 were amended. Claims 1-5, and 7-19 are original. Claims 1-19 are pending in this case.
2. A copy of claims 1-19, the claims on appeal, is provided in Claims Appendix A.
3. Claims 1-8, 11-13, and 16-17 stand rejected under 35 USC § 102(b) as being anticipated by Dunham, U.S. Patent 2,616,578.
4. Claims 9, 14, and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Dunham, U.S. Patent 2,616,578 as applied to claims 1, 11, and 16, and further in view of Olson, U.S. Patent 4,274,794.
5. Claims 10, 15, and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Dunham, U.S. Patent 2,616,578 as applied to claims 1, 11, and 16, and further in view of Poindexter, U.S. Patent 5,651,657.

IV. STATUS OF AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION

No response to the final rejection mailed 27 September 2005 was mailed and no amendments to the specification or claims were proposed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

The subject matter claimed in independent claim 1, on appeal, which is disclosed on pages 10-21 of Appellant's specification in conjunction with FIGS. 1-17, is a vehicle loader mechanism 10 including a base 20 mountable on a cargo deck of a vehicle, and a lift mechanism 16 movable between a lowered position and a raised position. (line 7, page 10, to line 4, page 11 of the specification in conjunction with FIG.

1) A drive linkage 22 coupled between the base 20 and the lift mechanism 16 is provided, which is movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism 16 (lines 7-3, page 10, and lines 1-21, page 11, of the specification in conjunction with FIGS. 1, 2, and 5). A leveling linkage 24 is also provided, which is coupled between the base 20 and the lift mechanism 16 for movement with the drive linkage 24,25 and to prevent tilting of the lift mechanism 16 during movement of the drive linkage 22 between the extended configuration and the retracted configuration (lines 1-25, page 13 of the specification in conjunction with FIGS. 1, 2, and 5). A cylinder 68 is coupled to the drive linkage 22 for moving the drive linkage 22 between the extended configuration and the retracted configuration (lines 3-14, page 14, and lines 7-23,

page 16, of the specification in conjunction with FIGS. 2, 5, and 8A-8C).

Independent Claim 11

The subject matter claimed in independent claim 11, on appeal, which is disclosed on pages 10-21 of Appellant's specification in conjunction with FIGS. 1-17, is a vehicle loader mechanism 10 carried by a vehicle 12 having a cargo deck 18, which includes a base 20 mounted on the cargo deck 18 of the vehicle 12, and a lift mechanism 16 movable between a lowered position and a raised position. (lines 7-25, page 10 of the specification in conjunction with FIG. 1). A first drive linkage 22 is coupled between the base 20 and the lift mechanism 16, and is movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism 16. (lines 7-3, page 10, and lines 1-21, page 11, of the specification in conjunction with FIGS. 1, 2, and 5). A second drive linkage 23 is coupled between the base 20 and the lift mechanism 20 and is movable between an extended configuration and a retracted configuration in parallel with the first drive linkage 22. (lines 7-3, page 10, lines 1-21, page 11, and lines 4-24, page 12, of the specification in conjunction with FIGS. 1-5). A first leveling linkage 24 is coupled between the base 20 and the lift mechanism 16 for movement with the first drive linkage 22 and to prevent

tilting of the lift mechanism 16 during movement of the first drive linkage 22 between the extended configuration and the retracted configuration. (lines 1-25, page 13 of the specification in conjunction with FIGS. 1, 2, and 5). A second leveling linkage 25 is coupled between the base 20 and the lift mechanism 16 and is movable between an extended configuration and a retracted configuration in parallel with the first leveling linkage 24. (lines 1-25, page 13 of the specification in conjunction with FIGS. 1, 2, and 5). A frame 60 is pivotally coupled to the base 20 and terminates in a journaled rod 41 extending concurrently through the frame 60 and drive arms 37 of the first drive linkage 22 and the second drive linkage 23 (lines 15-25, page 13 of the specification in conjunction with FIGS. 1, 2, 4, and 5), and a cylinder 68 is coupled between the base 20 and the frame 60 for moving the first drive linkage 22 and the second drive linkage 23 between the extended configuration and the retracted configuration (lines 3-14, page 14, and lines 7-23, page 16, of the specification in conjunction with FIGS. 2, 5, and 8A-8C).

Independent Claim 16

The subject matter claimed in independent claim 16, on appeal, which is disclosed on pages 10-21 of Appellant's specification in conjunction with FIGS. 1-17, is a vehicle loader mechanism 10 carried by a vehicle 12 having a cargo deck 18, which includes a base 20 mounted on cargo deck 18 of vehicle 12, and a lift mechanism 16 movable between a lowered position and a raised position (lines 7-25, page 10 of the specification in conjunction with FIG. 1). A frame 60 pivotally coupled to the base 20 and terminates in an end 62. (lines 15-18, page 13 of the specification in conjunction with FIG. 2). A first drive linkage 22 and a second drive linkage 23 are coupled in parallel between the base 20 and the lift mechanism 16, and are movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism 16 (lines 7-3, page 10, lines 1-21, page 11, and lines 4-24, page 12, of the specification in conjunction with FIGS. 1-5). The drive linkages 22 and 23 each includes a drive link 32 pivotally coupled to the base 20 and a drive arm 37 pivotally coupled to the drive link 32 and the lift mechanism 16. (lines 4-24, page 12 of the specification in conjunction with FIGS. 1-5). A rod 41 is journaled concurrently through the drive arm 37 of the first drive linkage 22, the end 62 of the frame 60 and the drive arm 37 of the second drive linkage 23. (lines 15-25, page 13, of

the specification in conjunction with FIGS. 1-5). A first leveling linkage 24 and a second leveling linkage 25 is coupled in parallel between the base 20 and the lift mechanism 16 to prevent tilting of the lift mechanism 16 during movement of the first drive linkage 22 and the second drive linkage 23 between the extended configuration and the retracted configuration. (lines 1-25, page 13 of the specification in conjunction with FIGS. 1, 2, and 5). The first and second leveling linkages 24,25 each includes a leveling link 42 pivotally coupled to the base 20, a stop link 47 pivotally coupled to the leveling link 42 and the rod 41, and a leveling arm 52 pivotally coupled to the stop link 47 and the lift mechanism 16. (lines 1-13, page 13 of the specification in conjunction with FIGS. 2-5). A cylinder 68 coupled between the base 20 and the frame 60 for moving the first drive linkage 22 and the second drive linkage 23 between the extended configuration and the retracted configuration. (lines 3-14, page 14, and lines 7-23, page 16, of the specification in conjunction with FIGS. 2, 5, and 8A-8C).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-8, 11-13, and 16-17 stand rejected under 35 USC § 102(b) as being anticipated by Dunham, U.S. Patent 2,616,578. The first issue to be resolved in this appeal is, therefore, whether claims 1-8, 11-13, and 16-17 are anticipated by Dunham, U.S. Patent 2,616,578.

Claims 9, 14, and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Dunham, U.S. Patent 2,616,578 as applied to claims 1, 11, and 16, and further in view of Olson, U.S. Patent 4,274,794. The second issue to be resolved on appeal is, therefore, whether claims 9, 14, and 18 are patentable over Dunham, U.S. Patent 2,616,578, in view of Olson, U.S. Patent 4,274,794.

Claims 10, 15, and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Dunham, U.S. Patent 2,616,578 as applied to claims 1, 11, and 16, and further in view of Poindexter, U.S. Patent 5,651,657. The third issue to be resolved on appeal is, therefore, whether claims 10, 15, and 19 are patentable over Dunham, U.S. Patent 2,616,578 in view of Poindexter, U.S. Patent 5,651,657.

VII. ARGUMENT

Issue #1: Whether claims 1-8, 11-13, and 16-17 are anticipated by Dunham, U.S. Patent 2,616,578.

Claims 1-8, 11-13, and 16-17 stand rejected under 35 USC § 102(b) as being anticipated by Dunham, U.S. Patent 2,616,578. Appellant respectfully traverses this rejection. The claims are presented in one group by the examiner, that group of claims now on appeal being claims 1-8, 11-13, and 16-17. None of the claims necessarily stands or falls together.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. V. Union Oil Co. of California, 2 USPQ2d 1051, 1053, (Fed. Cir. 1987). Also, "All words in a claim must be considered in judging patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494. 496 (CCPA 1970). Furthermore, section 102 is designed to specifically exclude from patentable subject matter anything this is considered old. To successfully combat a *prima facie* case of anticipation, the Appellant must show that not all elements of *prima facie* anticipation have been met. The Federal Circuit endorsed this view in *In re Oetiker*, 977 F.2d

1443, 24 USPQ 2d 1443 at 1444 (Fed. Cir. 1992) stating “[i]f the examination at the initial stage does not produce a prima facie case of unpatentability, then without more the Appellant is entitled to grant of the patent.” According to the Federal Circuit, “[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 22 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent claim 1

Independent claim 1 sets forth a vehicle loader mechanism including a base mountable on a cargo deck of a vehicle, and a lift mechanism movable between a lowered position and a raised position. A drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism is also specified. Claim 1 further specifies a leveling linkage coupled between the base and the lift mechanism for movement with the drive linkage and to prevent tilting of the lift mechanism during movement of the drive linkage between the extended configuration and the retracted configuration. A cylinder coupled to the drive linkage is

also specified for moving the drive linkage between the extended configuration and the retracted configuration.

Thus, from the language of claim 1 it can be seen that several specific elements are included in the claimed vehicle loader mechanism. First, a base is mountable on a cargo deck of a vehicle. Second a lift mechanism is movable between a lowered position and a raised position. Third, a drive linkage is coupled between the base and the lift mechanism, and is movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism. Fourth, a leveling linkage is coupled between the base and the lift mechanism for movement with the drive linkage and to prevent tilting of the lift mechanism during movement of the drive linkage between the extended configuration and the retracted configuration. Fifth, a cylinder coupled to the drive linkage is for moving the drive linkage between the extended configuration and the retracted configuration. Each of these elements specifically describes a feature or structure of the invention.

The five basic elements of claim 1 are specific components of the claimed invention and specifically describe how the lift is movable between a lowered and a raised position, how the drive linkage is coupled between the base

and the lift mechanism and is movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, and how a leveling linkage is coupled between the base and the lift mechanism for movement with the drive linkage and to prevent tilting of the lift mechanism during movement of the drive linkage between the extended configuration and the retracted configurations. As can be seen from the plain language of the claim, these elements are not simply characteristics that occur naturally or inherently. Clearly, no prior art structure discloses all of the structural features of the claim unless it includes these five elements. For example, a prior art structure that simply discloses a lift attached to a base does not inherently include all of the elements of appellant's claimed invention.

Dunham teaches a pusher mechanism (13) mounted on a load supporting frame (14) which is guided for vertical movement within mast (8). Frame (14) supports a load supporting means, namely, forks (23) forming part of frame (14). The vertical movement of frame (14) relative to mast (8) allows a load carried by forks (23) to be raised and lowered. At column 3, lines 1-10, Dunham unambiguously teaches that load supporting frame (14) is used to vertically lift a load. Cylinders, one of which is denoted at (15), are provided to operate pusher mechanism (13). Dunham discusses only one of cylinders (15)

as they are each identical in construction. Dunham explains that cylinder (15) has a rod (34) that is attached to a crank member (38) made fast to a shaft (39) attached to a transverse plate (27) of frame (14). A linkage system is provided between frame (14), which is a lift, and a load engaging rack (56) of pusher mechanism (13). The linkage system is used to advance and return load engaging rack (56) of pusher (13) relative to frame (14), namely, the lift of Dunham.

The linkage assembly in Dunham includes arms (42) fixed to shaft (39) and crank member (38). Arms (42) are pivotally attached to arms (52), which are in turn secured to rack (56). The linkage assembly further includes arms (63) connected at one end to a shaft (62) at frame (14), and at the other end to arms (67), which are in turn secured to rack (56). Activation of cylinder (15) causes this linkage assembly to advance and return rack (56) relative to frame (14). Links (45) and (46) of the linkage assembly limit the extension of rack (56) beyond a predetermined point of the forward ends of the load support forks (23) of the lift of Dunham, namely, its load supporting frame (14) of which forks (23) form a part thereof.

In order to eliminate the upper end of rack (56) from tilting rearwardly, Dunham incorporates bracing means including a crank arm (76) secured to a shaft (62), a bracket

member (77) secured to crank member (38), and a rod (78) attached to crank arm (76) and bracket member (77). The lower portion of rack (56) is furnished with a clamp (87), which includes, among other things, a piston (81) housed in rack (56) which moves a movable jaw (48) relative to a lower jaw (47) for clamping the margin of a sheet-like pallet therebetween.

The teachings in Dunham are clear and unambiguous. The structure in Dunham is clear and unambiguous. Dunham teaches nothing less and nothing more than what is set forth in his specification.

On page 2 of the 27 September 2005 Final Office Action, the Examiner concludes that Dunham discloses a vehicle loader mechanism 5, 13 comprising a base 14, lift mechanism 23, 56, drive linkage 38, 42, 52, 46, 63, 67 coupled between the base 14 and lift mechanism 23, 56, leveling linkage 81, 67, 63, 45, 79, 78, 77 coupled between the base 14 and lift mechanism 23, 56 and a cylinder 15 coupled to drive linkage 38, 42, 52, 46, 63, 67. This is the extent of the Examiner's section 102 rejection of independent claim 1, and it fails to establish a *prima facie* case of anticipation. With respect, the Examiner's rejection of claim 1 is confusing, takes the structural elements of Dunham and redefines them and

rearranges the redefined structural elements into the framework of Appellant's claim 1. Moreover, the Examiner's assessment of the structure of Dunham mischaracterizes Dunham's device, and describes its structure and operation in a way that is entirely different from the structure and operation of the device disclosed in Dunham.

In Dunham, reference character (14) refers to a load supporting frame (14) which is guided for vertical movement within mast (8). Frame (14) supports a load supporting means, namely, forks (23) forming part of frame (14). The vertical movement of frame (14) relative to mast (8) allows a load carried by forks (23) to be raised and lowered. At column 3, lines 1-10, Dunham unambiguously teaches that load supporting frame (14) is used to vertically lift a load. Load supporting frame (14) is not a base to which a lift or load supporting frame is attached to. Load supporting frame (14) is a lift. The base to which the load supporting frame (14) in Dunham is attached to is mast (8). Reference character (56) in Dunham refers to a load engaging rack of pusher mechanism (13), which, as clearly taught by Dunham, is operated by the linkage assembly to advance and return rack (56) for moving a load off of forks (23) of Dunham's lift, namely, load supporting frame (14) of which forks (23) form a part thereof. Dunham clearly distinguishes two features of his device, namely, load

supporting frame (14) for lifting a load, and pusher mechanism (13) for pushing a load off of forks (23) of load supporting frame (14). The linkage assembly is coupled between load supporting frame (14) and rack (56), and operates rack (56).

Appellant notes that reference characters 38, 42, 52, 46, 63, 67 cited by the Examiner refer to portions of Dunham's linkage assembly, namely, arms (42) fixed to shaft (39) and crank member (38), arms (42) pivotally attached to arms (52) and which are in turn secured to rack (56), arms (63) connected at one end to a shaft (62) at frame (14) and at the other end to arms (67) which are in turn secured to rack (56), and links (45) and (46) of the linkage assembly that limit the extension of rack (56) beyond a predetermined point of the forward ends of the load support forks (23) of the lift of Dunham, namely, its load supporting frame (14) of which forks (23) form a part thereof. However, this linkage assembly is not coupled between frame (14) and forks (23) and rack (56) as espoused by the Examiner. The linkage assembly in Dunham is coupled only between frame (14) and rack (56). Nowhere in Dunham does he show that his linkage assembly is coupled between frame (14) and forks (23), or in any way operates in conjunction with frame (14) and forks (23). The only operation provided by Dunham's linkage assembly is that it advances and returns rack (56) relative to Dunham's lift,

namely, frame (14) and forks (23). Rack (56) is not a lift, it is a pusher for pushing loads off of Dunham's lift, which is contrary to, and has nothing to do with, Appellant's claimed invention. Looking to Dunham, Appellant cannot determine how a conclusion can be made that Dunham's linkage assembly is coupled between frame (14) and forks (23) when it is clear that the linkage assembly is coupled only between frame (14) and rack (56). Dunham's linkage assembly does not move or operate frame (14); it only moves and operates rack (56) of pusher mechanism (13).

Appellant disagrees that reference characters 81, 67, 63, 45, 79, 78, 77 in Dunham refer to a leveling linkage coupled between the frame (14) and forks (23) and rack (56). Reference character (81) in Dunham refers to a piston housed in rack (56) which moves a movable jaw (48) relative to a lower jaw (47) for clamping the margin of a sheet-like pallet therebetween. Piston (81) is in now way associated with Dunham's bracing means or his linkage assembly. Because the Examiner has stated that piston (81) is part of a leveling linkage, the Examiner has clearly recharacterized the nature and function of piston (81) in Dunham, which is contrary to a suitable section 102 rejection. Reference characters 67, 63, and 45 refer to arms and a connecting link of Dunham's linkage assembly, and there is no mention in Dunham that these

elements provide a leveling function between frame (14) and forks (23) as espoused by the Examiner.

The elements in Dunham cited by the Examiner are simply not arranged in Dunham in the manner claimed by Appellant in claim 1, and simply do not amount to the structure claimed by Appellant in claim 1. Dunham in no way teaches a base mountable on a cargo deck of a vehicle, a lift mechanism movable between a lowered position and a raised position, a drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, a leveling linkage coupled between the base and the lift mechanism for movement with the drive linkage and to prevent tilting of the lift mechanism during movement of the drive linkage between the extended configuration and the retracted configuration, and cylinder coupled to the drive linkage for moving the drive linkage between the extended configuration and the retracted configuration. Dunham is not, and cannot be, a section 102(b) reference against Appellant's claim 1. Dunham simply is not a section 102(b) reference against Appellant's claimed invention because it fails to teach each and every element of claim 1 in the order in which they appear. Claim 1 is not anticipated by Dunham, since each and every element as set forth in the claim is not found, either

expressly or inherently described, in Dunham. Accordingly, the section 102(b) rejection of Appellant's claim 1 based on Dunham is moot and should be withdrawn.

Dependent claims 2-10

Claims 2-10 are each dependent upon a claim that is allowable according to the argument set forth above and, therefore, each of them is allowable.

Independent claim 11

Independent claim 11 sets forth a vehicle loader mechanism carried by a vehicle having a cargo deck, including a base mounted on a cargo deck of a vehicle, a lift mechanism movable between a lowered position and a raised position, a first drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, and a second drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the first drive linkage. Claim 11 also specifies a first leveling linkage coupled between the base and the lift mechanism for movement with the first drive linkage and to prevent tilting of the lift mechanism during movement of the first drive linkage between the extended configuration and the

retracted configuration, and a second leveling linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the first leveling linkage. A frame is pivotally coupled to the base and terminates in a journalled rod extending concurrently through the frame and drive arms of the first drive linkage and the second drive linkage. Claim 11 further specifies a cylinder coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration.

Thus, from the language of claim 11 it can be seen that several specific elements are included in the claimed vehicle loader mechanism. First, a base is mounted on a cargo deck of a vehicle. Second a lift mechanism is movable between a lowered position and a raised position. Third, a first drive linkage is coupled between the base and the lift mechanism and is movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism. Fourth, a second drive linkage is coupled between the base and the lift mechanism and is movable between an extended configuration and a retracted configuration in parallel with the first drive linkage. Fifth, a first leveling linkage is coupled between the base and the lift mechanism for movement

with the first drive linkage and to prevent tilting of the lift mechanism during movement of the first drive linkage between the extended configuration and the retracted configuration. Sixth, a second leveling linkage is coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the first leveling linkage. Seventh, a frame is pivotally coupled to the base and terminates in a journaled rod extending concurrently through the frame and drive arms of the first drive linkage and the second drive linkage. Eighth, a cylinder is coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration. Each of these elements specifically describes a feature or structure of the invention.

The eight basic elements of claim 11 are specific components of the claimed invention and specifically describe how the lift is movable between a lowered and a raised position, how the drive linkages are coupled between the base and the lift mechanism and are movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, and how leveling linkages are coupled between the base and the lift mechanism for movement with the drive linkages and to prevent tilting of the lift

mechanism during movement of the drive linkage between the extended configuration and the retracted configurations. As can be seen from the plain language of the claim, these elements are not simply characteristics that occur naturally or inherently. Clearly, no prior art structure discloses all of the structural features of the claim unless it includes these eight elements. For example, a prior art structure that simply discloses a lift attached to a base does not inherently include all of the elements of appellant's claimed invention.

On page 3 and 4 of the 27 September 2005 Final Office Action, the Examiner concludes that Dunham discloses a vehicle loader mechanism 5, 13 comprising a base 14, lift mechanism 23, 56, first drive linkage 38, 42, 52, 46, 63, 67 coupled between the base 14 and lift mechanism 23, 56, second drive linkage 38, 42, 52, 46, 63, 67 coupled between the base 14 and lift mechanism 23, 56, first leveling linkage 81, 67, 63, 45, 79, 78, 77 coupled between the base 14 and lift mechanism 23, 56, a second leveling linkage 81, 67, 63, 45, 79, 78, 77 coupled between the base 14 and lift mechanism 23, 56, frame 13, 26, 95 pivotally coupled to base 14 and terminating in a journalled rod 39, 39 which extends through frame 13, 26, 95, drive linkage frame 13, 26, 95 and drive linkage drive arm 42, and a second drive linkage frame 13, 26, 95 and second drive linkage drive arm 42, and a cylinder 15 coupled between base

14 and frame 13, 26, 95. This is the extent of the Examiner's section 102 rejection of independent claim 11, and it simply fails to establish a *prima facie* case of anticipation. With respect, the Examiner's rejection of claim 11 is confusing, takes the structural elements of Dunham and redefines them and rearranges the redefined structural elements into the framework of Appellant's claim 11. Moreover, the Examiner's assessment of the structure of Dunham mischaracterizes Dunham's device, and describes its structure and operation in a way that is entirely different from the structure and operation of the device disclosed in Dunham.

Appellant's claim 11 is not anticipated by Dunham for the same reasons as applied to Appellant's claim 1, and the foregoing arguments set forth in conjunction with claim 1 apply equally to claim 11.

Again, reference character (14) in Dunham refers to a load supporting frame (14) which is guided for vertical movement within mast (8). Frame (14) supports a load supporting means, namely, forks (23) forming part of frame (14). The vertical movement of frame (14) relative to mast (8) allows a load carried by forks (23) to be raised and lowered. At column 3, lines 1-10, Dunham unambiguously teaches that load supporting frame (14) is used to vertically

lift a load. Load supporting frame (14) is not a base to which a lift or load supporting frame is attached to. Load supporting frame (14) is a lift. The base to which the load supporting frame (14) in Dunham is attached to is mast (8). Reference character (56) in Dunham refers to a load engaging rack of pusher mechanism (13), which, as clearly taught by Dunham, is operated by the linkage assembly to advance and return rack (56) for moving a load off of forks (23) of Dunham's lift, namely, load supporting frame (14) of which forks (23) form a part thereof. Dunham clearly distinguishes to features of his device, namely, load supporting frame (14) for lifting a load, and pusher mechanism (13) for pushing a load off of forks (23) of load supporting frame (14). The linkage assembly is coupled between load supporting frame (14) and rack (56), and operates rack (56).

Again, Appellant notes that reference characters 38, 42, 52, 46, 63, 67 cited by the Examiner refer to portions of Dunham's linkage assembly, namely, arms (42) fixed to shaft (39) and crank member (38), arms (42) pivotally attached to arms (52) and which are in turn secured to rack (56), arms (63) connected at one end to a shaft (62) at frame (14) and at the other end to arms (67) which are in turn secured to rack (56), and links (45) and (46) of the linkage assembly that limit the extension of rack (56) beyond a predetermined point

of the forward ends of the load support forks (23) of the lift of Dunham, namely, its load supporting frame (14) of which forks (23) form a part thereof. However, this linkage assembly is not coupled between frame (14) and forks (23) and rack (56) as espoused by the Examiner. The linkage assembly in Dunham is coupled only between frame (14) and rack (56). Nowhere in Dunham does he show that his linkage assembly is coupled between frame (14) and forks (23), or in any way operates in conjunction with frame (14) and forks (23). The only operation provided by Dunham's linkage assembly is that it advances and returns rack (56) relative to Dunham's lift, namely, frame (14) and forks (23). Rack (56) is not a lift, it is a pusher for pushing loads off of Dunham's lift, which is contrary to, and has nothing to do with, Appellant's claimed invention. Looking to Dunham, Appellant cannot determine how a conclusion can be made that Dunham's linkage assembly is coupled between frame (14) and forks (23) when it is clear that the linkage assembly is coupled only between frame (14) and rack (56). Dunham's linkage assembly does not move or operate frame (14); it only moves and operates rack (56) of pusher mechanism (13).

Again, Appellant disagrees that reference characters 81, 67, 63, 45, 79, 78, 77 in Dunham refer to a leveling linkage coupled between the frame (14) and forks (23) and rack (56).

Reference character (81) in Dunham refers to a piston housed in rack (56) which moves a movable jaw (48) relative to a lower jaw (47) for clamping the margin of a sheet-like pallet therebetween. Piston (81) is in now way associated with Dunham's bracing means or his linkage assembly. Because the Examiner has stated that piston (81) is part of a leveling linkage, the Examiner has clearly recharacterized the nature and function of piston (81) in Dunham, which is contrary to a suitable section 102 rejection. Reference characters 67, 63, and 45 refer to arms and a connecting link of Dunham's linkage assembly, and there is no mention in Dunham that these elements provide a leveling function between frame (14) and forks (23) as espoused by the Examiner.

The elements in Dunham cited by the Examiner are simply not arranged in the manner claimed by Appellant in claim 11, and simply do not amount to the structure claimed by Appellant in claim 11. Dunham in no way teaches a base mounted on a cargo deck of a vehicle, a lift mechanism movable between a lowered position and a raised position, a first drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, a second drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a

retracted configuration in parallel with the first drive linkage, a first leveling linkage coupled between the base and the lift mechanism for movement with the first drive linkage and to prevent tilting of the lift mechanism during movement of the first drive linkage between the extended configuration and the retracted configuration, a second leveling linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the first leveling linkage, a frame pivotally coupled to the base and terminating in a journaled rod extending concurrently through the frame and drive arms of the first drive linkage and the second drive linkage, and a cylinder coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration. Dunham is not, and cannot be, a section 102(b) reference against Appellant's claim 11. Dunham simply is not a section 102(b) reference against Appellant's claimed invention because it fails to teach each and every element of claim 11 in the order in which they appear. Claim 11 is not anticipated by Dunham, since each and every element as set forth in the claim is not found, either expressly or inherently described, in Dunham. Accordingly, the section 102(b) rejection of Appellant's claim 11 based on Dunham is moot and should be withdrawn.

Dependent claims 12-15

Claims 12-15 are each dependent upon a claim that is allowable according to the argument set forth above and, therefore, each of them is allowable.

Independent claim 16

Independent claim 16 sets forth a vehicle loader mechanism carried by a vehicle having a cargo deck, including a base mounted on a cargo deck of a vehicle, a lift mechanism movable between a lowered position and a raised position, and a frame pivotally coupled to the base and terminating in an end. Claim 16 also specifies a first drive linkage and a second drive linkage coupled in parallel between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, each including a drive link pivotally coupled to the base and a drive arm pivotally coupled to the drive link and the lift mechanism. A rod is also specified, which is journaled concurrently through the drive arm of the first drive linkage, the end of the frame and the drive arm of the second drive linkage. A first leveling linkage and a second leveling linkage are coupled in parallel between the base and the lift mechanism to prevent tilting of the lift mechanism during movement of the first drive linkage

and the second drive link between the extended configuration and the retracted configuration, each including a leveling link pivotally coupled to the base, a stop link pivotally coupled to the leveling link and the rod, and a leveling arm pivotally coupled to the stop link and the lift mechanism.

Claim 16 also claims a cylinder coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration.

Thus, from the language of claim 16 it can be seen that several specific elements are included in the claimed vehicle loader mechanism. First, a base is mounted on a cargo deck of a vehicle. Second, a lift mechanism is movable between a lowered position and a raised position. Third a frame is pivotally coupled to the base and terminates in an end. Fourth, a first drive linkage and a second drive linkage are coupled in parallel between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, each including a drive link pivotally coupled to the base and a drive arm pivotally coupled to the drive link and the lift mechanism. Fifth, a rod is journaled concurrently through the drive arm of the first drive linkage, the end of the frame and the drive arm of the second drive linkage. Sixth, a first

leveling linkage and a second leveling linkage are coupled in parallel between the base and the lift mechanism to prevent tilting of the lift mechanism during movement of the first drive linkage and the second drive link between the extended configuration and the retracted configuration, each including a leveling link pivotally coupled to the base, a stop link pivotally coupled to the leveling link and the rod, and a leveling arm pivotally coupled to the stop link and the lift mechanism. Seventh, a cylinder is coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration. Each of these elements specifically describes a feature or structure of the invention.

The seven basic elements of claim 16 are specific components of the claimed invention and specifically describe how the lift is movable between a lowered and a raised position, how there is a frame is pivotally coupled to the base, how the first and second drive linkages are coupled in parallel between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, and how the first and second leveling linkages are coupled in parallel between the base and the lift mechanism to prevent

tilting of the lift mechanism during movement of the first drive linkage and the second drive link between the extended configuration and the retracted configuration. As can be seen from the plain language of the claim, these elements are not simply characteristics that occur naturally or inherently. Clearly, no prior art structure discloses all of the structural features of the claim unless it includes these seven elements. For example, a prior art structure that simply discloses a lift attached to a base does not inherently include all of the elements of appellant's claimed invention.

On page 3 and 4 of the 27 September 2005 Final Office Action, the Examiner concludes that Dunham discloses a vehicle loader mechanism 5, 13 comprising a base 14, lift mechanism 23, 56, frame 13, 26, 95 pivotally coupled to base 14, first drive linkage 38, 42, 52, 46, 63, 67 and second drive linkage 38, 42, 52, 46, 63, 67 coupled in parallel between the base 14 and lift mechanism 23, 56, first drive arm 42 pivotally coupled to a first drive link 52 and lift mechanism 23, 56, second drive link 38, 42, 52, 46, 63, 67 pivotally coupled to base 14, a second drive arm 42 pivotally coupled to a second drive linkage drive link 38, 42, 52, 46, 63, 67 and lift mechanism 23, 56, a rod 39 journaled concurrently through a first drive arm 42, frame 14 and second drive linkage drive arm 42, first leveling linkage 81, 67, 63, 45, 79, 78, 77

coupled between the base 14 and lift mechanism 23, 56, second leveling linkage 81, 67, 63, 45, 79, 78, 77 coupled between the base 14 and lift mechanism 23, 56, first leveling link 76, 78, 77, 63 coupled to base 14, second leveling link 76, 78, 77, 63 coupled to base 14, first stop link 67 pivotally coupled to a first leveling link 76, 78, 77, 63, and rod 39, first leveling arm 45 pivotally coupled to a first stop link 67 and lift mechanism 23, 56, second stop link 67 pivotally coupled to a second leveling link 81, 67, 63, 45, 79, 78, 77 and rod 39, second leveling arm 45 pivotally coupled to a second stop link 67 and lift mechanism 23, 56. This is the extent of the Examiner's section 102 rejection of independent claim 16, and it simply fails to establish a *prima facie* case of anticipation. With respect, the Examiner's rejection of claim 16 is confusing, takes the structural elements of Dunham and redefines them and rearranges the redefined structural elements into the framework of Appellant's claim 16. Moreover, the Examiner's assessment of the structure of Dunham mischaracterizes Dunham's device, and describes its structure and operation in a way that is entirely different from the structure and operation of the device disclosed in Dunham.

Appellant's claim 11 is not anticipated by Dunham for the same reasons as applied to Appellant's claims 1 and 11, and

the foregoing arguments set forth in conjunction with claims 1 and 11 apply equally to claim 16.

Again, reference character (14) in Dunham refers to a load supporting frame (14) which is guided for vertical movement within mast (8). Frame (14) supports a load supporting means, namely, forks (23) forming part of frame (14). The vertical movement of frame (14) relative to mast (8) allows a load carried by forks (23) to be raised and lowered. At column 3, lines 1-10, Dunham unambiguously teaches that load supporting frame (14) is used to vertically lift a load. Load supporting frame (14) is not a base to which a lift or load supporting frame is attached to. Load supporting frame (14) is a lift. The base to which the load supporting frame (14) in Dunham is attached to is mast (8). Reference character (56) in Dunham refers to a load engaging rack of pusher mechanism (13), which, as clearly taught by Dunham, is operated by the linkage assembly to advance and return rack (56) for moving a load off of forks (23) of Dunham's lift, namely, load supporting frame (14) of which forks (23) form a part thereof. Dunham clearly distinguishes to features of his device, namely, load supporting frame (14) for lifting a load, and pusher mechanism (13) for pushing a load off of forks (23) of load supporting frame (14). The

linkage assembly is coupled between load supporting frame (14) and rack (56), and operates rack (56).

Again, Appellant notes that reference characters 38, 42, 52, 46, 63, 67 cited by the Examiner refer to portions of Dunham's linkage assembly, namely, arms (42) fixed to shaft (39) and crank member (38), arms (42) pivotally attached to arms (52) and which are in turn secured to rack (56), arms (63) connected at one end to a shaft (62) at frame (14) and at the other end to arms (67) which are in turn secured to rack (56), and links (45) and (46) of the linkage assembly that limit the extension of rack (56) beyond a predetermined point of the forward ends of the load support forks (23) of the lift of Dunham, namely, its load supporting frame (14) of which forks (23) form a part thereof. However, this linkage assembly is not coupled between frame (14) and forks (23) and rack (56) as espoused by the Examiner. The linkage assembly in Dunham is coupled only between frame (14) and rack (56). Nowhere in Dunham does he show that his linkage assembly is coupled between frame (14) and forks (23), or in any way operates in conjunction with frame (14) and forks (23). The only operation provided by Dunham's linkage assembly is that it advances and returns rack (56) relative to Dunham's lift, namely, frame (14) and forks (23). Rack (56) is not a lift, it is a pusher for pushing loads off of Dunham's lift, which

is contrary to, and has nothing to do with, Appellant's claimed invention. Looking to Dunham, Appellant cannot determine how a conclusion can be made that Dunham's linkage assembly is coupled between frame (14) and forks (23) when it is clear that the linkage assembly is coupled only between frame (14) and rack (56). Dunham's linkage assembly does not move or operate frame (14); it only moves and operates rack (56) of pusher mechanism (13).

Again, Appellant disagrees that reference characters 81, 67, 63, 45, 79, 78, 77 in Dunham refer to a leveling linkage coupled between the frame (14) and forks (23) and rack (56). Reference character (81) in Dunham refers to a piston housed in rack (56) which moves a movable jaw (48) relative to a lower jaw (47) for clamping the margin of a sheet-like pallet therebetween. Piston (81) is in now way associated with Dunham's bracing means or his linkage assembly. Because the Examiner has stated that piston (81) is part of a leveling linkage, the Examiner has clearly recharacterized the nature and function of piston (81) in Dunham, which is contrary to a suitable section 102 rejection. Reference characters 67, 63, and 45 refer to arms and a connecting link of Dunham's linkage assembly, and there is no mention in Dunham that these elements provide a leveling function between frame (14) and forks (23) as espoused by the Examiner.

The elements in Dunham cited by the Examiner are simply not arranged in the manner claimed by Appellant in claim 16, and simply do not amount to the structure claimed by Appellant in claim 16. Dunham in no way teaches a base mounted on a cargo deck of a vehicle; a lift mechanism movable between a lowered position and a raised position; a frame pivotally coupled to the base and terminating in an end; a first drive linkage and a second drive linkage coupled in parallel between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, each including a drive link pivotally coupled to the base and a drive arm pivotally coupled to the drive link and the lift mechanism; a rod journaled concurrently through the drive arm of the first drive linkage, the end of the frame and the drive arm of the second drive linkage; a first leveling linkage and a second leveling linkage coupled in parallel between the base and the lift mechanism to prevent tilting of the lift mechanism during movement of the first drive linkage and the second drive link between the extended configuration and the retracted configuration, each including a leveling link pivotally coupled to the base, a stop link pivotally coupled to the leveling link and the rod, and a leveling arm pivotally coupled to the stop link and the lift mechanism; and a

cylinder coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration. Dunham is not, and cannot be, a section 102(b) reference against Appellant's claim 16. Dunham simply is not a section 102(b) reference against Appellant's claimed invention because it fails to teach each and every element of claim 16 in the order in which they appear. Claim 11 is not anticipated by Dunham, since each and every element as set forth in the claim is not found, either expressly or inherently described, in Dunham. Accordingly, the section 102(b) rejection of Appellant's claim 16 based on Dunham is moot and should be withdrawn.

Dependent claims 17 and 18

Claims 17 and 18 are each dependent upon a claim that is allowable according to the argument set forth above and, therefore, each of them is allowable.

Issue #2: Whether claims 9, 14, and 18 are patentable over Dunham, U.S. Patent 2,616,578, in view of Olson, U.S. Patent 4,274,794.

Claims 9, 14, and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Dunham, U.S. Patent 2,616,578 as applied to claims 1, 11, and 16, and further in view of Olson, U.S. Patent 4,274,794. Appellant respectfully traverses this rejection. The claims are presented in one group by the examiner, that group of claims now on appeal being claims 9, 14, and 18. None of the claims necessarily stands or falls together.

Claims 9, 14, and 18 are rejected as a group because the Examiner states that Dunham discloses all of the limitations of the claimed invention except for limit switches. Claim 9 is dependent upon claim 1, claim 14 is dependent upon claim 11, and claim 18 is dependent upon claim 16.

Dependent claim 9

As explained above, Dunham does not disclose the limitations of claim 1 and claim 1 is allowable. Claim 9 is dependent upon claim 1 and is, therefore, also allowable, which renders moot the rejection of claim 9. In other words, claim 9 is dependent upon a claim that is allowable according to the argument set forth above and, therefore, is allowable.

Dependent claim 14

As explained above, Dunham does not disclose the limitations of claim 11 and claim 11 is allowable. Claim 14 is dependent upon claim 11 and is, therefore, also allowable, which renders moot the rejection of claim 14. In other words, claim 14 is dependent upon a claim that is allowable according to the argument set forth above and, therefore, is allowable.

Dependent claim 18

As explained above, Dunham does not disclose the limitations of claim 16 and claim 16 is allowable. Claim 18 is dependent upon claim 16 and is, therefore, also allowable, which renders moot the rejection of claim 18. In other words, claim 18 is dependent upon a claim that is allowable according to the argument set forth above and, therefore, is allowable.

Issue #3: Whether claims 10, 15, and 19 are patentable over Dunham, U.S. Patent 2,616,578 in view of Poindexter, U.S. Patent 5,651,657.

Claims 10, 15, and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Dunham, U.S. Patent 2,616,578 as applied to claims 1, 11, and 16, and further in view of Poindexter, U.S. Patent 5,651,657. Appellant respectfully traverses this rejection. The claims are presented in one group by the examiner, that group of claims now on appeal being claims 10, 15, and 19. None of the claims necessarily stands or falls together.

Claims 10, 15, and 19 are rejected as a group because the Examiner states that Dunham discloses all of the limitations of the claimed invention except for carrying a base on tracks mountable in a vehicle. Claim 10 is dependent upon claim 1, claim 15 is dependent upon claim 11, and claim 19 is dependent upon claim 16.

Dependent claim 10

As explained above, Dunham does not disclose the limitations of claim 1 and claim 1 is allowable. Claim 10 is dependent upon claim 1 and is, therefore, also allowable, which renders moot the rejection of claim 10. In other words,

claim 10 is dependent upon a claim that is allowable according to the argument set forth above and, therefore, is allowable.

Dependent claim 15

As explained above, Dunham does not disclose the limitations of claim 11 and claim 11 is allowable. Claim 15 is dependent upon claim 11 and is, therefore, also allowable, which renders moot the rejection of claim 15. In other words, claim 15 is dependent upon a claim that is allowable according to the argument set forth above and, therefore, is allowable.

Dependent claim 19

As explained above, Dunham does not disclose the limitations of claim 16 and claim 16 is allowable. Claim 19 is dependent upon claim 16 and is, therefore, also allowable, which renders moot the rejection of claim 19. In other words, claim 19 is dependent upon a claim that is allowable according to the argument set forth above and, therefore, is allowable.

Summary

All of the claims now in the application (i.e., claims 1-19) specify a base, a lift mechanism movable between a lowered position and a raised position, drive linkage(s) coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for

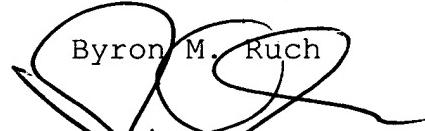
lateral movement of the lift mechanism, and leveling linkage(s) coupled between the base and the lift mechanism for movement with the drive linkage and to prevent tilting of the lift mechanism during movement of the drive linkage between the extended configuration and the retracted configuration. As explained above, Dunham in now way shows this claimed structure unless, of course, the structural elements in Dunham are redefined and rearranged according to the Examiner's claim rejections. It should go without saying that the teachings of a prior art reference may not be changed in order to fit the teachings into a rejection of a claim. However, the claim rejections set forth in the 27 September 2005 Final Office Action clearly do this because the analysis therein of the structure in Dunham does not at all correspond with the structure claimed by Appellant. If Appellant's specification were a round hole, the teachings in Dunham would most certainly not be a corresponding round peg.

Since Dunham clearly does not disclose the claimed invention and since no suggested modification of Dunham can possibly achieve the structural limitations of the claimed invention, Appellant believes that claims 1-19 are now in condition for allowance. Accordingly, it is respectfully asserted that Appellant's claims are clearly allowable and the case is now in condition for allowance. Appellant therefore

prays for the reversal of the final rejection and the allowance of the subject application.

Pursuant to the foregoing, Appellant believes that the rejections of claims 1, 11, and 16 are supported by a faulty analysis of Dunham and are quite incorrect, and that the rejections thereof and of the corresponding dependent claims are moot and should be withdrawn. Accordingly, any rejection not specifically addressed is not to be construed as an admission that the Examiner's position is correct or agreed upon, or that Appellant concedes the Examiner's position. Quite the contrary, each and every rejection set forth by the Examiner is believed to be based on an entirely incorrect analysis of Dunham as explained herein and are respectfully traversed.

Respectfully submitted,



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CLAIMS APPENDIX A

1. A vehicle loader mechanism comprising:
 - a base mountable on a cargo deck of a vehicle;
 - a lift mechanism movable between a lowered position and a raised position;
 - a drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism;
 - a leveling linkage coupled between the base and the lift mechanism for movement with the drive linkage and to prevent tilting of the lift mechanism during movement of the drive linkage between the extended configuration and the retracted configuration; and
 - a cylinder coupled to the drive linkage for moving the drive linkage between the extended configuration and the retracted configuration.

2. A vehicle loader mechanism as claimed in claim 1 wherein the drive linkage includes a drive link pivotally coupled to the base and a drive arm pivotally coupled to the drive link and the lift mechanism.

3. A vehicle loader mechanism as claimed in claim 2 further including a frame pivotally coupled to the base and terminating in an end, and a rod journaled concurrently through the drive arm and the end of the frame.

4. A vehicle loader mechanism as claimed in claim 3 wherein the leveling linkage includes a leveling link pivotally coupled to the base, a stop link pivotally coupled to the leveling link and the rod, and a leveling arm pivotally coupled to the stop link and the lift mechanism.

5. A vehicle loader mechanism as claimed in claim 1 further including a second drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the drive linkage, and a second leveling linkage is coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the leveling linkage.

6. A vehicle loader mechanism as claimed in claim 5 further including a frame pivotally coupled to the base and terminating in a journalled rod extending concurrently through the frame and drive arms of the drive linkage and the second drive linkage, wherein the cylinder is coupled to the drive linkage by the frame.

7. A vehicle loader mechanism as claimed in claim 6 wherein the leveling linkage and the second leveling linkage are each coupled to the rod by a stop link.

8. A vehicle loader mechanism as claimed in claim 1 wherein the lift mechanism is enabled with the drive linkage in the retracted configuration and the extended configuration, and disabled with the drive linkage in between the extended configuration and the retracted configuration.

9. A vehicle loader mechanism as claimed in claim 8 wherein the lift mechanism is enabled and disabled by signals from limit switches mounted proximate the cylinder.

10. A vehicle loader mechanism as claimed in claim 1 wherein the base is reciprocally carried by tracks mountable on a vehicle.

11. A vehicle loader mechanism carried by a vehicle having a cargo deck, comprising:

a base mounted on a cargo deck of a vehicle;

a lift mechanism movable between a lowered position and a raised position;

a first drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism;

a second drive linkage coupled between the base and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the first drive linkage;

a first leveling linkage coupled between the base and the lift mechanism for movement with the first drive linkage and to prevent tilting of the lift mechanism during movement of the first drive linkage between the extended configuration and the retracted configuration;

a second leveling linkage coupled between the base

and the lift mechanism and movable between an extended configuration and a retracted configuration in parallel with the first leveling linkage;

a frame pivotally coupled to the base and terminating in a journalled rod extending concurrently through the frame and drive arms of the first drive linkage and the second drive linkage; and

a cylinder coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration.

12. A vehicle loader mechanism as claimed in claim 11 wherein the first leveling linkage and the second leveling linkage are each coupled to the rod by a stop link to maintain positioning thereof relative the first drive linkage and the second drive linkage, respectfully.

13. A vehicle loader mechanism as claimed in claim 11 wherein the lift mechanism is enabled with the first drive linkage and the second drive linkage in the retracted configuration and the extended configuration, and disabled with the first drive linkage and the second drive linkage in between the extended configuration and the retracted configuration.

14. A vehicle loader mechanism as claimed in claim 13 wherein the lift mechanism is enabled and disabled by signals from limit switches mounted proximate the cylinder.

15. A vehicle loader mechanism as claimed in claim 11 wherein the base is reciprocally carried by tracks mounted on the cargo deck of the vehicle.

16. A vehicle loader mechanism carried by a vehicle having a cargo deck, comprising:

a base mounted on a cargo deck of a vehicle;

a lift mechanism movable between a lowered position and a raised position;

a frame pivotally coupled to the base and terminating in an end;

a first drive linkage and a second drive linkage coupled in parallel between the base and the lift mechanism and movable between an extended configuration and a retracted configuration for lateral movement of the lift mechanism, each including a drive link pivotally coupled to the base and a drive arm pivotally coupled to the drive link and the lift mechanism;

a rod journaled concurrently through the drive arm of the first drive linkage, the end of the frame and the drive arm of the second drive linkage;

a first leveling linkage and a second leveling linkage coupled in parallel between the base and the lift mechanism to prevent tilting of the lift mechanism during movement of the first drive linkage and the second drive link between the extended configuration and the retracted configuration, each including a leveling link pivotally coupled to the base, a stop link pivotally coupled to the leveling link and the rod, and a leveling arm pivotally coupled to the stop link and the lift mechanism; and

a cylinder coupled between the base and the frame for moving the first drive linkage and the second drive linkage between the extended configuration and the retracted configuration.

17. A vehicle loader mechanism as claimed in claim 16 wherein the lift mechanism is enabled with the first drive linkage and the second drive linkage in the retracted configuration and the extended configuration, and disabled with the first drive linkage and the second drive linkage in between the extended configuration and the retracted configuration.

18. A vehicle loader mechanism as claimed in claim 17 wherein the lift mechanism is enabled and disabled by signals from limit switches mounted proximate the cylinder.

19. A vehicle loader mechanism as claimed in claim 16 wherein the base is reciprocally carried by tracks mountable on a vehicle.

EVIDENCE APPENDIX B

There is no evidence submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132 or any other evidence entered and relied upon in this appeal.

RELATED PROCEEDINGS APPENDIX C

There are no copies of decisions rendered by a court or the Board in any proceeding because there are no other appeals, interferences, or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.